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38516	7590	07/24/2008	EXAMINER	
SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519				SIKRI, ANISH
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/720,586	HODGES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANISH SIKRI	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 April 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610).

Consider Claim 1, Logan et al discloses the method of providing communications services, comprising: retrieving audio-video data comprising packets of data packetized according to a packet protocol (Logan et al, [0015], [0054], Logan et al disclosed on data is parsed and packetized); segmenting the packets according to a set of subscriber-specified rules stored in memory (Logan et al, [0422]-[0423], Logan et al disclosed on how meta-data is saved, via the user's preferences in the network), the set of subscriber-specified rules specified by a subscriber to a subscription service (Logan et al [0422]-[0423], Logan disclosed the user of subscriber/individual based rules), the set of subscriber-specified rules specifying how the audio-video data is formatted to suit a requirement of a client communications device (Logan et al, [0426], Logan disclosed on how the rules can affect the device's performance); then grouping together individual packets as a segment (Logan et al, [0065]), each of the individual packets in the segment requiring the processing service dispersing the segment via a network to receive the for processing service (Logan et al, [0065], [0096], Logan et al disclosed on how the meta-data is processed); receiving a result of the processing service (Logan et al, [0094]-[0096], Logan et al disclosed the meta-data results); assembling formatted

audio-visual data comprising the result of the processing service and an unprocessed segment; and communicating the formatted audio-visual data via the network (Logan et al, [0096]-[0101]).

Additional support for client requirements can be found at [0327]-[0331], [0426], [0454]. Logan et al shows on how the subscriber can create meta-data (rules or preferences or playlists etc), to segment data according to the rules stored in memory (user-created meta-data), which in turn allows the data to be suited for the client device's requirements. And user meta-data (rules) can be processed at the system or on a remote location.

But Logan does not explicitly state determining a subcontracted processing service; and interrogating a different service provider to fulfill the subcontracted processing service; and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service.

Nonetheless, Ando disclosed the state determining a subcontracted processing service (Ando, [0042], [0045], Ando disclosed that the IP streaming system does provide multimedia distribution processing); and interrogating a different service provider to fulfill the subcontracted processing service (Ando, [0046], Ando disclosed on how the content is obtained from the distribution server after receiving request from the navigation server); and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service (Ando, [0045]-[0046], Ando disclosed on how the different service providers provide requested content processing service in the network).

Both Ando and Logan et al provide features related to communication services.

Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of subcontracted/distributed processing taught by Ando, in the system of Logan et al for the purpose of reducing system/network load.

Consider Claim 2, Logan et al in view of Ando disclosed the method according to claim 1, wherein determining the subcontracted processing service is required (Ando, [0045]-[0046], disclosed on how the different service providers provide requested content processing service in the network) grouping together the individual packets comprises grouping together the individual packets (Logan et al, [0017]-[0018]) that require a color correction service and wherein receiving the result comprises receiving the result of the, color correction service (Logan et al, [0069]-[0070], Logan et al disclosed on how visual data is optimized/smoothed/filled etc).

Consider Claim 3, Logan et al in view of Ando disclosed the method according to claim 1, further comprising communicating the formatted audio-visual data to the client communications device (Logan et al, [0299], Logan et al disclosed how data is collected into the digital PVR).

Consider Claim 6, Logan et al in view of Ando disclosed the method according to claim 1, wherein dispersing the segment comprises specifying that at least one of the segments be processed during off-peak hours (Logan et al, [0293]-[0295]), and specifying the different service provider process the segment (Ando, [0045]-[0046], disclosed on how the different service providers provide requested content processing service in the network).

Consider Claim 7, Logan et al in view of Ando disclosed the method according to claim 1, further comprising retrieving the set of subscriber-specified rules from the memory of the client communications device (Logan et al, [0117]-[0118]).

Consider Claim 8, Logan et al in view of Ando disclosed the method according to claim 1, further comprising inferring an action based upon the set of subscriber-specified rules (Logan et al, [0422]-[0423]).

Consider Claim 9, Logan et al in view of Ando disclosed the method according to claim 1, further comprising inferring a new rule based upon the set of subscriber-specified rules (Logan et al, [0422]-[0423]).

Consider Claim 10, Logan et al in view of Ando disclosed the method according to claim 1, further comprising requesting a new rule for a new situation (Logan et al,

[0225]-[0226], Logan et al disclosed on the creation of new meta-data which acts according to the rules created by the user).

Claims 11, 13, 17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610), and in further view of Tuli (US Pub 2004/0139208).

Consider Claim 11, Logan et al discloses the method of providing communications services, comprising: retrieving audio-video data comprising packets of data packetized according to a packet protocol (Logan et al, [0015], [0054], Logan et al disclosed on data is parsed and packetized); segmenting the packets according to a set of subscriber-specified rules stored in memory (Logan et al, [0422]-[0423], Logan et al disclosed on how meta-data is saved, via the user's preferences in the network), the set of subscriber-specified rules specified by a subscriber to a subscription service (Logan et al [0422]-[0423], Logan disclosed the user of subscriber/individual based rules), the set of subscriber-specified rules specifying how the audio-video data is formatted to suit a requirement of a client communications device (Logan et al, [0426], Logan disclosed on how the rules can affect the device's performance); then grouping together individual packets as a segment (Logan et al, [0065]), each of the individual packets in the segment requiring the processing service dispersing the segment via a network to receive the for processing service (Logan et al, [0065], [0096], Logan et al disclosed on how the meta-data is processed); receiving a result of the processing service (Logan et

al, [0094]-[0096], Logan et al disclosed the meta-data results); assembling formatted audio-visual data comprising the result of the processing service and an unprocessed segment; and communicating the formatted audio-visual data via the network (Logan et al, [0096]-[0101]).

Additional support for client requirements can be found at [0327]-[0331], [0426], [0454]. Logan et al shows on how the subscriber can create meta-data (rules or preferences or playlists etc), to segment data according to the rules stored in memory (user-created meta-data), which in turn allows the data to be suited for the client device's requirements. And user meta-data (rules) can be processed at the system or on a remote location.

But Logan et al does not explicitly state determining a subcontracted processing service; and interrogating a different service provider to fulfill the subcontracted processing service; and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service.

Nonetheless, Ando disclosed the state determining a subcontracted processing service (Ando, [0042], [0045], Ando disclosed that the IP streaming system does provide multimedia distribution processing); and interrogating a different service provider to fulfill the subcontracted processing service (Ando, [0046], Ando disclosed on how the content is obtained from the distribution server after receiving request from the navigation server); and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service (Ando, [0045]-[0046], Ando

disclosed on how the different service providers provide requested content processing service in the network).

Both Ando and Logan et al provide features related to communication services. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of subcontracted/distributed processing taught by Ando, in the system of Logan et al for the purpose of reducing system/network load.

But Logan et al does not explicitly state the means for discarding an XML data segment having minimum amount of change in pixel data within a time frame to reduce processing time.

Nonetheless, Tuli disclosed discarding an XML data segment having minimum amount of change in pixel data within a time frame to reduce processing time (Tuli, [0037], [0078], Tuli disclosed on how the server communicates with the client using html or text-based information (XML) when there is a change of pixel data. If there is a pixel change, the server compares the blocks of data or parts of image in a time frame to see whether to send new updated information or discard the information sent to the client).

Both Logan et al and Tuli al provide features related to communication services. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rasterizing of data with the use of XML (text), taught by Tuli, in the system of Logan et al for the purpose of enabling of efficient communication between the servers and the client in the network.

Claim 13, has similar limitations as of Claim 2. Therefore it is rejected under the same rational as Claim 2.

Claim 17, has similar limitations as of Claim 7. Therefore it is rejected under the same rational as Claim 7.

Claims 12, 14, 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610), in view of Tuli (US Pub 2004/0139208), and further in view of Knightbridge et al (US Pub 20040019900).

Consider Claim 12, Logan et al discloses the method of providing communications services, comprising: retrieving audio-video data comprising packets of data packetized according to a packet protocol (Logan et al, [0015], [0054], Logan et al disclosed on data is parsed and packetized); segmenting the packets according to a set of subscriber-specified rules stored in memory (Logan et al, [0422]-[0423], Logan et al disclosed on how meta-data is saved, via the user's preferences in the network), the set

of subscriber-specified rules specified by a subscriber to a subscription service (Logan et al [0422]-[0423], Logan disclosed the user of subscriber/individual based rules), the set of subscriber-specified rules specifying how the audio-video data is formatted to suit a requirement of a client communications device (Logan et al, [0426], Logan disclosed on how the rules can affect the device's performance); then grouping together individual packets as a segment (Logan et al, [0065]), each of the individual packets in the segment requiring the processing service dispersing the segment via a network to receive the for processing service (Logan et al, [0065], [0096], Logan et al disclosed on how the meta-data is processed); receiving a result of the processing service (Logan et al, [0094]-[0096], Logan et al disclosed the meta-data results); assembling formatted audio-visual data comprising the result of the processing service and an unprocessed segment; and communicating the formatted audio-visual data via the network (Logan et al, [0096]-[0101]).

Additional support for client requirements can be found at [0327]-[0331], [0426], [0454]. Logan et al shows on how the subscriber can create meta-data (rules or preferences or playlists etc), to segment data according to the rules stored in memory (user-created meta-data), which in turn allows the data to be suited for the client device's requirements. And user meta-data (rules) can be processed at the system or on a remote location.

But Logan et al does not explicitly state determining a subcontracted processing service; and interrogating a different service provider to fulfill the subcontracted

processing service; and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service.

Nonetheless, Ando disclosed the state determining a subcontracted processing service (Ando, [0042], [0045], Ando disclosed that the IP streaming system does provide multimedia distribution processing); and interrogating a different service provider to fulfill the subcontracted processing service (Ando, [0046], Ando disclosed on how the content is obtained from the distribution server after receiving request from the navigation server); and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service (Ando, [0045]-[0046], Ando disclosed on how the different service providers provide requested content processing service in the network).

Both Ando and Logan et al provide features related to communication services. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of subcontracted/distributed processing taught by Ando, in the system of Logan et al for the purpose of reducing system/network load.

But Logan et al does not explicitly state the means for discarding an XML data segment having minimum amount of change in pixel data within a time frame to reduce processing time.

Nonetheless, Tuli disclosed discarding an XML data segment having minimum amount of change in pixel data within a time frame to reduce processing time (Tuli, [0037], [0078], Tuli disclosed on how the server communicates with the client using html or text-based information (XML) when there is a change of pixel data. If there is a pixel change, the server compares the blocks of data or parts of image in a time frame to see whether to send new updated information or discard the information sent to the client).

Both Logan et al and Tuli provide features related to communication services. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rasterizing of data with the use of XML (text), taught by Tuli, in the system of Logan et al for the purpose of enabling of efficient communication between the servers and the client in the network.

But Logan et al does not explicitly state the use of electronic calendars in the system.

Nonetheless, Knightbridge et al disclosed the use of electronic calendars (Knightbridge et al, [0037], [0041], Knightbridge disclosed the use of electronic calendars which can incorporate the use of audio-video data) and declining to communicate the formatted audio-visual data to the client communications device during a scheduled event (Knightbridge et al, [0041], [0115], Knightbridge et al disclosed on how scheduled content is presented to the user, and the user can accept or decline the scheduled content).

Both Logan et al and Knightbridge et al provide features related to data management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of integrating electronic calendar with the system, taught by Knightbridge et al in the system of Logan for the purpose of embedding/management of data.

Claim 14, has similar limitations as of Claim 3. Therefore it is rejected under the same rational as Claim 3.

Claim 18, has similar limitations as of Claim 2. Therefore it is rejected under the same rational as Claim 2.

Consider Claims 4 and 5 are rejected under 35 U.S.C 103(a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610) and in further view of Wee et al (US Pat 7,184,548).

Consider Claim 4, Logan et al discloses the method according to claim 1, wherein determining the subcontracted processing service is required (Ando, [0042], [0045], Ando disclosed that the IP streaming system does provide multimedia

distribution processing); and interrogating a different service provider to fulfill the subcontracted processing service (Ando, [0046], Ando disclosed on how the content is obtained from the distribution server after receiving request from the navigation server); and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service (Ando, [0045]-[0046], Ando disclosed on how the different service providers provide requested content processing service in the network) grouping together the individual packets comprises grouping together the individual packets (Logan et al, [0073], Logan et al disclosed the combined collection of data).

But Logan et al fails to disclose a scaling service, and wherein receiving the result comprises receiving the result of the scaling service.

Nonetheless, Wee et al, discloses a scaling service, and wherein receiving the result comprises receiving the result of the scaling service (Wee et al, Col 7 Lines 64-67, Col 8 Lines 41-45, Wee et al disclosed on how scaling is used in the system).

Both Logan et al, Ando and Wee et al provide features related to data management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the scaling features, taught by Wee et al, in the system of Logan et al, for the purpose of properly relaying the data to the client device.

Consider Claim 5, Logan et al, in view of Ando disclosed the receiving results from the different service provider (Ando, [0042], [0045], Ando disclosed that the IP streaming system does provide multimedia distribution processing); and interrogating a different service provider to fulfill the subcontracted processing service (Ando, [0046], Ando disclosed on how the content is obtained from the distribution server after receiving request from the navigation server); and dispersing the segment to a different service provider along with receiving the result of a subcontracted processing service (Ando, [0045]-[0046], Ando disclosed on how the different service providers provide requested content processing service in the network)

But Logan et al, in view of Ando does not explicitly disclosed receiving an encrypted segment to suit a privacy requirement.

Nonetheless, Wee et al discloses the result comprises receiving an encrypted segment to suit a privacy requirement (Wee et al, Col 9 Lines 18-25).

Both Logan et al, Ando and Wee et al provide features related to data management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the encryption on segments, taught by Wee et al, in the system of Logan et al, for the purpose of enabling secure communications.

Consider Claims 15 and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610), in view of Tuli (US Pub 2004/0139208) and in further view of Wee et al (US Pat 7,184,548).

Claims 15, 16 have similar limitations as to claim 4, 5 respectively; therefore, it is rejected under the same rational as to claims 4, and 5.

Consider Claims 19 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Logan et al (US Pub 2003/0093790), in view of Ando (US Pub 2003/0126610), in view of Tuli (US Pub 2004/0139208), in view of Knightbridge et al (US Pub 20040019900) and in further view of Wee et al (US Pat 7,184,548).

Claims 19, 20 have similar limitations as to claim 4, 5 respectively; therefore, it is rejected under the same rational as to claims 4, and 5.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 5712701783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anish Sikri/  
Examiner, Art Unit 2143

July 18, 2008  
/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2143